

Ms. Heather L. Kennedy F0246
Karen M. Klaver F0241
C.N.M.I. Public School System
P.O. Box 1370 CK
Saipan, MP 96950
Telephone: (670) 237-3046
Fax:(670) 664-3713
Attorneys for Defendant CNMI Public School System

Matthew T. Gregory F0205
Gregory Baka F0199
Attorney Generals Office
Hon. Juan A Sablan Memorial Bldg., 2nd Fl.
Caller Box 10007, Capital Hill
Saipan, MP 96950
Telephone: (670)664-2341
Fax: (670)664-2349

Attorneys for the CNMI and Jim Brewer

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

LISA S. BLACK,) CIVIL ACTION NO. 05-0038
Plaintiff,)
vs.)
JIM BREWER, individually and in his) DEFENDANT CNMI PUBLIC
official capacity as Acting Principal for) SCHOOL SYSTEM (PSS) MOTION
Hopwood Junior High School,) FOR JUDGMENT AS A MATTER OF
COMMONWEALTH OF THE NORTHERN) LAW
MARIANA ISLANDS PUBLIC SCHOOL)
SYSTEM, and JOHN AND/OR JANE DOE,)
Defendants.)
Judge Hatter
February 22, 2007

**DEFENDANT'S NOTICE AND MOTION FOR
JUDGMENT AS A MATTER OF LAW**

1 Defendants Commonwealth of the Northern Mariana Islands, CNMI Public School
2 System, and Jim Brewer ask this court to render judgment in its favor, as authorized by the
3 Federal Rules of Civil Procedure 50(a). Fed. R. Civ. P 50 (a) (1) states: If during a trial by jury
4 a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a
5 reasonable jury to find for that party on that issue, the court may determine the issue against
6 that party and may grant a motion for judgment as a matter of law against that party with
7 respect to a claim or defense that cannot under the controlling law be maintained or defeated
8 without a favorable finding on that issue. Plaintiff has not her burden as described in the
9 accompanying Memorandum in Support of Motion for Judgment as a Matter of Law. There
10 are no controverted issues of fact on which reasonable persons could differ. *Powers v. Bayliner*
11 *Mar. Corp.*, 83 F. 3d 789, 796 (6th Cir. 1996), thus Defendants request this court grant the
12 motion and render judgment for Defendants.

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14 Respectfully submitted this 22nd of February 2007 by:

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17 _____/s/
18 Karen M. Klaver F0241
19 Heather L. Kennedy F0246
20 Attorneys for the Public School System
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